

1. The Court has jurisdiction over the parties and the subject matter of this action.

2. PSN owns and has standing to sue for infringement of United States Patent No. 5,856,443, entitled "Molecular Cloning And Expression of G-Protein Coupled Receptors," issued on Jan. 5, 1999, and United States Patent No. 6,518,414B1, entitled "Molecular Cloning And Expression of G-Protein Coupled Receptors," issued on Feb. 11, 2003 ("PSN's Patents").

3. Each of the claims of PSN's Patents are valid and enforceable.

4. PSN's Patents have been infringed by GeneTex through its manufacture, use, sale and/or offer for sale of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $P^{H218}$  ("S1P2") that fall within the scope of claims of PSN's Patents, including at least the following GeneTex products:

- i. S1P2 antibody (Catalog # GTX71095)
- ii. S1P2 antibody (Catalog # GTX70493)
- iii. S1P2 antibody (Catalog # GTX70495)
- iv. S1P2 antibody (Catalog # GTX13127)
- v. S1P2 antibody (Catalog # GTX13128)
- vi. S1P2 antibody (Catalog # GTX13395)

(the "infringing products").

5. No payment for or release of the infringing products which may have been used by any third parties is provided here or in the parties' Settlement Agreement, and PSN is free to pursue its damages claim in this action against such third parties.

6. GeneTex agrees to and hereby waives and relinquishes the right to ever contest the validity or enforceability of either of PSN Patents and any of their claims in their present form, whether such assertion of invalidity or unenforceability would be

made in a court proceeding or Patent Office proceeding, and whether or not such assertion is made with respect to the infringing products in this action or with respect to any other products that may be made, used, sold and/or offered for sale by GeneTex in the future.


7. All claims and defenses of each of the Parties are hereby dismissed with prejudice.

8. The parties shall each bear their own costs and attorney fees incurred in this action, and the Court shall retain jurisdiction to enforce the terms of this Consent Judgment Order and the corresponding Settlement Agreement between the parties concerning this action.

Dated: 2/27 2008



Honorable William J. Hibbler  
United States District Court Judge

  
James Wang, Ph.D.  
President and COO  
GENETEX, INC. 2-14-08

  
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